

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

**EXTENDING ENERGY CONSERVATION PROGRAMS UNDER ENERGY POLICY AND CONSERVATION ACT THROUGH MARCH 31, 2000**

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Commerce be discharged from the further consideration of the bill (H.R. 2981) to extend energy conservation programs under the Energy Policy and Conservation Act through March 31, 2000, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

he Clerk read the bill, as follows:

H.R. 2981

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.**

The Energy Policy and Conservation Act is amended—

(1) by amending section 166 (42 U.S.C. 6246) to read as follows:

**"AUTHORIZATION OF APPROPRIATIONS**

"SEC. 166. There are authorized to be appropriated for fiscal year 2000 such sums as may be necessary to implement this part, to remain available only through March 31, 2000.";

(2) in section 181 (42 U.S.C. 6251) by striking "September 30, 1999" both places it appears and inserting in lieu thereof "March 31, 2000"; and

(3) in section 281 (42 U.S.C. 6285) by striking "September 30, 1999" both places it appears and inserting in lieu thereof "March 31, 2000".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**BUDGET TIME MEANS  
"MEDISCARE" TIME**

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. KINGSTON. Mr. Speaker, it is budget time, so it is "Mediscare" time. We have the age-old tactics that, when one does not have the facts, start scaring people. Who is the easiest of the population to scare? The seniors, beating up on Grandma and Grandpa. That appears to be what the White House is already doing with the Republican budget by saying that the Republican budget takes money out of Social Security.

I have a letter in my hand from the director of the Congressional Budget

Office, the head guru. He says in short, there is nothing in our budget that takes any money out of Social Security. I will submit this for the RECORD. It is available for anybody who wants a copy of it. We will distribute it to our misguided liberal friends on the other side.

But the fact is, let us have an honest debate. When the President vetoes the appropriations bills, and we have spent up against the budget caps, then the only question remaining is: Mr. President, do you want to spend more money? It comes out of Social Security. Is that what you want to do? At that point, Mr. President, what will you tell Grandma?

Mr. Speaker, the letter I referred to is as follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, September 30, 1999.

Hon. J. DENNIS HASTERT,  
Speaker of the House, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: You requested that we estimate the impact on the fiscal year 2000 Social Security surplus using CBO's economic and technical assumptions based on a plan whereby net discretionary outlays for fiscal year 2000 will equal \$592.1 billion. CBO estimates that this spending plan will not use any of the projected Social Security surplus in fiscal year 2000.

Sincerely,

DAN L. CRIPPEN,  
Director.

**SPECIAL ORDERS**

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

**RIGHT TO SUE AN ERISA HMO**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, Members on both sides of this aisle have joined together to address one of the most egregious violations of the individual rights upon which our Nation was founded, the right to due process in court.

Since 1974, federally governed managed care insurance plans have enjoyed a near total immunity from any legal accountability for injuring and killing the citizens of this country for monetary gain. No thinking, feeling American can agree to let that stand. I tell my colleagues today, Mr. Speaker, that will not stand.

But, Mr. Speaker, the industry lobbyists who have profited behind the skirts of ERISA are now engaged in a last-ditch fight to deceive the Members of this body and the American public concerning the truth of what we seek. So, tonight, Mr. Speaker, I want to set the record straight.

The bipartisan Consensus Managed Care Improvement Act that I have co-sponsored with the gentleman from Michigan (Mr. DINGELL) provides full relief from the travesty of current law while providing full protection for employers and decent insurers against frivolous and vicarious lawsuits.

The managed care lobby has told us that employers could be sued for simply offering a health plan to their employees, they are actually going around saying that, or could be sued just by choosing a particular plan.

Mr. Speaker, read page 60 of the bill beginning on line 33. The bill says, "Does not authorize any cause of action against an employer, or other plan sponsor maintaining the group health plan, or against an employee of such an employer."

One cannot be any clearer than that. Employers cannot be sued for offering health insurance in our bill or choosing any particular specific plan. Now, the HMO argues that lawyers could find a way around that protection. But the United States Supreme Court has held that "plain meaning" interpretations would prevail. Who do you believe, the lobbyists or the Supreme Court?

There is only one way under this bill that employers can be sued. If an employer decides to do more than offer health insurance, by trying to practice medicine, yes, then they can be sued. If an employer decides to weigh in on a decision of medical necessity, they will be held responsible for that decision, as they should be. But if that employer chooses to stay out of the dispute and leaves the decision up to medically trained professionals, they remain shielded from any type of liability, as they should be.

Read the bill. Page 61, beginning on line 13, an employer can only be sued if, and I quote out of the bill, Mr. Speaker, "The employer's . . . exercise of discretionary authority to make a decision on a claim for benefits covered under the plan . . . resulted in personal injury or wrongful death."

Would a Member of this body like to argue that anyone should be able to wrongfully cause the death of a human being and then be shielded from that responsibility? Let us have that debate. I think they will not argue that.

Under this bill, an employer is free to buy any health plan on the market for their employees and face no liability whatsoever for having done so. If the employer is asked to step into the middle of the dispute between the employee and the health plan, they simply should refuse, leave the matter up to the doctors, and face no liability whatsoever.

The managed care lobby has told us that this bill opens the door for unlimited punitive damages against health plans, with jury awards soaring into the hundreds of millions of dollars.

Read the bill. We have left a way for insurance companies to remain shielded from any punitive damages, not one nickel.

Read the bill. Page 60, beginning on line 13, and I quote again, Mr. Speaker, "The plan is not liable for any punitive, exemplary, or similar damages . . . if the plan or issuer complied with the determination of the external appeal entity." It cannot be any simpler than that.

There is only one option left the HMO lobby to defeat the legislation: Distort the issue, scare the employers into believing it. We know it, and they know it.

I believe that truth and justice will prevail during next week's vote on this issue. No amount of lies, Mr. Speaker, no amount of threats will deter the Members of this body who know the truth from moving forward on this issue.

Mr. Speaker, I ask my fellow Members who support this bill to spread the truth to those who may not know it yet. This evil cannot be allowed to stand.

Mr. Speaker, I look forward to seeing my colleagues next week on the floor of this House when the truth will come forward as to what is happening to health care in the United States of America.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. NORWOOD. I yield to the gentleman from Michigan.

□ 1745

IN AGREEMENT WITH RIGHT TO SUE AN ERISA  
HMO

Mr. DINGELL. Mr. Speaker, I first want to say that I have worked in this place for a long time, and I have worked with a lot of people. None have been more steadfast, courageous, harder working, more able or more dedicated on the matters upon which we work, and I want to commend the gentleman from Georgia and thank him.

I want to make the observation that I hope my colleagues will have listened to the gentleman from Georgia, because what he is talking about is people who are desperately in need of the protection he and I seek to provide. I want to point out that what he is seeking to do here is to assure that employers who do not intrude into the every day management of the particular fund that is set up for the health care and for the procurement of health care are absolutely protected against liability. The gentleman is totally correct in that. And the only time that an employer would incur a liability under this legislation is if he had actively intervened against the beneficiary.

And so I want to first commend the gentleman. Second of all, I want to urge my colleagues to listen to him. He has been speaking great wisdom. He

has also been speaking of justice and decency and something that the health care industry has not always been providing to the recipients of health care. It is an extremely important point in this legislation.

Honest and decent employers have nothing to fear, and HMOs which have been denying people the health care to which they are entitled under the contract do have something to fear. And, indeed, they should. They are the folks that I happen to be after.

#### IMPORTANCE OF GOVERNMENT FUNDING OF SCIENCE IN TO- DAY'S WORLD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. EHLERS) is recognized for 5 minutes.

Mr. EHLERS. Mr. Speaker, I have been giving a series of comments in special orders about the importance of science in today's world, and also the importance of government funding of science, because the question often asked is why should the Federal Government be spending good taxpayers money to conduct scientific research.

One very obvious reason: Over half of the economic growth of this country comes from the scientific research which we have funded in the past. I can give numerous examples, and I have given some in the past, but let me just point out a few tonight.

When computers were first developed, one of the difficulties was how computers could talk to each other. That was resolved fairly readily. But then some bright individuals in the Defense Advance Research Project Agency began wondering how can we network a large number of computers. And then, beyond that, how can we connect the networks so that we have what is really an internet, a connection or a network of networks. That was not easily resolved, but it has had far-reaching implications when it was solved.

The basic method is to create what is called a packet of information that travels along the telephone lines from one computer to another. There is a certain protocol of what is in that packet, what is at the lead, what is in the middle, what is at the end, so that you can keep track of these. After that was developed, the interest of the Defense Advance Research Project Agency was to tie together all the military laboratories in the United States. That eventually came to include other laboratories. And then the NSF got involved and developed what was called the NSF net, which broadened it to all universities. And that was the basis from which the Internet was developed.

Now, who can question the value of the Internet today? So many people use it for so many purposes, we have trillions of dollars flowing on the Inter-

net every day, indicating the commerce we have between banks and other places. If an individual's check is deposited by electronic fund transfer, that money was probably transferred over the Internet.

I have been told, and I have not had a chance to check this for myself to be certain it is true, but I have been told that there is more money transferred electronically over the Internet each day than we have in the entire Federal budget for a year. That illustrates some of the importance of the Internet for this and for various other purposes.

One little sidelight that might be interesting to my colleagues. As we developed these packets to go on the Internet, someone got the bright idea why not do the same thing with telephone information. In other words, treat voice information just as we treat computer information. So today, when we place a telephone call, our voices are chopped up and put in all these little packets, they travel over telephone lines by various routes, and when they reach their destination they are unscrambled, and no one on either end knows that this has happened. That has greatly increased the capacity of our telephone lines for carrying voice and data transmissions.

Mr. Speaker, I now yield some time to my scientific colleague, the gentleman from New Jersey (Mr. HOLT), who is a fellow physicist. We often work on science issues together. This is obviously a bipartisan issue, and I am pleased to yield to him.

Mr. HOLT. Mr. Speaker, I thank my friend from Michigan. It is a great pleasure to talk about these things. We do not have occasion to talk about them enough here on the floor of the House.

First, I would like to recognize how much the gentleman does in support of science and science education. We all appreciate it.

I would like to just add two comments to what the gentleman talked about. One is the importance of research that we do not necessarily recognize the value of at first. Many of our colleagues here in this chamber, many of our family members have had MRIs, magnetic resonance imaging. Most people do not realize this came out of studies on nuclear magnetic resonance, on which I believe the gentleman has worked in the past. This was once regarded as pure research but has turned out to be of very practical value.

The return on investment in science is enormous.

#### AFFORDABLE PRESCRIPTION DRUGS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.